

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

CLERK US DISTRICT COURT
NORTHERN DIST. OF TX
FILED

2017 FEB 23 PM 1:26

DEPUTY CLERK

UNITED STATES OF AMERICA

v.

THOMAS ROY CLARK (01)
KAREN DENISE JONES (02)

2-17-CR-017-D

No. _____

INDICTMENT

The Grand Jury Charges:

INTRODUCTION

At all times material to this indictment:

1. From in or about July 2012, and continuing through in or about July 2015, **Thomas Roy Clark**, defendant, resided in the Amarillo Division of the Northern District of Texas.

2. From in or about July 2012, and continuing through in or about July 2015, **Clark** operated Panhandle Chiropractic Clinic (PCC) in Amarillo, Texas, without a license. During this time period, **Karen Denise Jones** assisted **Clark** in billing insurance companies on PCC's behalf.

3. From in or about July 2012, and continuing through in or about July 2015, in the Amarillo Division of the Northern District of Texas and elsewhere, **Clark** and **Jones** devised, and intended to devise, a scheme and artifice to defraud a health-care

benefit program, and for obtaining money by means of materially false and fraudulent pretenses, representations, and promises, which scheme and artifice to defraud is more fully described as follows:

The Scheme and Artifice to Defraud

A) It was a part of the scheme and artifice to defraud a health care program that **Clark** represented himself to be a chiropractor when, in fact, **Clark** was not a licensed chiropractor. During the course of the scheme, **Clark** and **Jones** billed for services properly billable only by a licensed chiropractor.

B) It was part of the scheme and artifice to defraud a health care program that **Clark** and **Jones**, and persons acting at **Clark's** direction, billed for services not rendered and for services rendered in lesser quantities than billed.

C) It was part of the scheme and artifice to defraud a health care program that **Clark** and **Jones**, and persons acting at **Clark's** direction, billed more than one insurance company for the same service provided for the same patient on the same date.

D) It was part of the scheme and artifice to defraud a health care program that **Clark** and **Jones**, and persons acting at **Clark's** direction, billed for services under Terry Crow's name and identity. Terry Crow is a licensed chiropractor. **Clark** and **Jones** used Crow's national provider identifier (NPI). An NPI is a unique 10-digit identification number issued to health care providers. From in or about July 2012, and continuing through in or about July 2015, **Clark** and **Jones** did not have permission to

use Crow's NPI and name to bill insurance companies for services allegedly rendered by **Clark**.

E) It was part of the scheme and artifice to defraud a health care program that **Clark** and **Jones**, and persons acting at **Clark's** direction, would omit **Clark's** name or NPI on PCC's itemized billing statements, which prevented insurance companies from knowing they were being billed for services provided by a chiropractor without a license.

F) It was part of the scheme and artifice to defraud a health care program that **Clark** and **Jones**, and persons acting at **Clark's** direction, listed the specific type of procedure or service PCC supposedly provided by specifying a Current Procedural Terminology (CPT) code. Each procedure or service is identified by a 5-digit numeric or alphanumeric CPT code. The code used by the provider in the claim submission dictates the amount of payment the provider receives for a rendered service. By **Clark** and **Jones** using CPT codes, this misrepresented to insurance companies that the procedures being billed were performed by a licensed health care provider in good standing with their state board.

Loss Caused by the Fraud

4. As a result of the scheme and artifice to defraud, from in or about July 2012, and continuing through in or about July 2015, **Clark's** and **Jones'** materially false and fraudulent pretenses, representations, and promises, which were made and caused to be made by **Clark** and **Jones**, fraudulently induced health care providers to issue

monetary payments to **PCC**, and for the benefit of **Clark**, resulting in a total loss of approximately \$524,547.89.

Counts 1 - 12
Health Care Fraud and Aiding and Abetting
(Violation of 18 U.S.C. § 1347 and 2)

The Introduction of this Indictment is re-alleged and incorporated as though fully set out in these Counts 1 through 12. Beginning on or about July 1, 2012, and continuing to on or about July 31, 2015, in the Amarillo Division of the Northern District of Texas and elsewhere, **Thomas Roy Clark** and **Karen Denise Jones**, defendants, did knowingly and willfully execute, and attempt to execute, a scheme and artifice to defraud a health care benefit program, as described in the introductory allegations, which are incorporated by reference, with individual executions of the scheme to defraud being listed in each of the following counts:

Count	Insurance Company	Date of service	Claim number	Patient Name	Claimed Service-CPT Code	Amount paid
1	Aetna	04/06/2013	E8FA854KT09	R.B.	99204	\$184.85
2	Blue Cross Blue Shield Texas (BCBSTX)	06/20/2014	2014350508737L0X	S.M.	97110	\$47.88
3	Cigna	03/22/2015	9431511813488	A.D.	98941	\$40.50
4	Texas Farm Bureau	02/20/2015	828718	K.M.	97012	\$20.42

5	Farmers	08/02/2014	3001317499-1-4	M.M.	98943	\$35.00
6	Geico	04/05/2013	0356472160101086	K.J.	98943	\$35.00
7	IMS	10/17/2014	1505601300	S.D.	98941	\$45.00
8	Metlife	12/19/2014	DAE17069	C.P.	97110	\$30.04
9	Progressive	12/07/2013	131055487	E.S.	99204	\$200.00
10	State Farm	03/08/2013	43258M287	J.B.	97012	\$25.00
11	UHC	02/08/2014	472593213302	G.C.	98941	\$22.50
12	UMR	01/25/2015	15029320296	R.B.	98941	\$16.00

In violation of Title 18, United States Code, Sections 1347 and 2.

Count Thirteen
Misprision of a Felony
(Violation of 18 U.S.C. § 4)

Beginning on or about July 1, 2012, and continuing to on or about July 31, 2015, in the Amarillo Division of the Northern District of Texas, and elsewhere, **Karen Denise Jones**, defendant, having knowledge of the actual commission of a felony cognizable by a court of the United States, to wit, Health Care Fraud, in violation of Title 18, United States Code, Section 1347, did knowingly conceal the same, by submitting claims to insurance companies with Terry Crow as the provider when, in fact, Thomas Clark was the provider, and did not as soon as possible make known the same to some judge or other person in civil or military authority under the United States.

In violation of Title 18, United States Code, Section 4.

Forfeiture Allegation
(Violation of 18 U.S.C. § 982(a)(7))

Upon conviction of any offense set forth in Counts 1 through 12 of this Indictment, the defendant, **Thomas Roy Clark**, shall forfeit to the United States of America, pursuant to 18 U.S.C. § 982(a)(7), any property, real or personal, constituting, or derived from, gross proceeds obtained, directly or indirectly, as a result of such violation. The property to be forfeited includes, but is not limited to:

Personal and Real Property

- a. \$18,587.00 in U.S. currency seized from Merrill Lynch Account number XXXX2971, styled Thomas R Clark TTEE, U/A DTD 04/23/2002, BY Thomas R Clark REV LIV TR, PO BOX 463, Bushland, Texas 79012-0463;
- b. \$35,163.23 in U.S. currency seized from Cheslea Financial Services Account number XXXX9907, styled Thomas R Clark, 2418 W 9th Avenue, Amarillo, Texas 79106;
- c. The real property situated at 18901 Stone Creek Road, Bushland, Texas, more specifically described as Lot 6, Block 1, Prairie West Estates No. 6.

Substitute Assets

Pursuant to 21 U.S.C. § 853(p), as incorporated by 18 U.S.C. §§ 982(b)(1), if any of the property described above, as a result of any act or omission of the defendant:

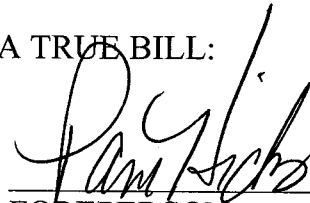
- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;

- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty,

the United States of America shall be entitled to forfeiture of substitute property up to the value of the previously described property that is subject to forfeiture.


All pursuant to 18 U.S.C. § 982(a)(7).

A TRUE BILL:



FOREPERSON

JOHN R. PARKER
UNITED STATES ATTORNEY



JOSHUA FRAUSTO
Assistant United States Attorney
Texas Bar No. 24074228
500 South Taylor Street, Suite 300
Amarillo, Texas 79101-2446
Telephone: 806-324-2356
Facsimile: 806-324-2399
E-Mail: joshua.frausto@usdoj.gov

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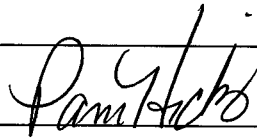
INDICTMENT

COUNTS 1-12: HEALTH CARE FRAUD AND AIDING AND ABETTING
Title 18, United States Code, Sections 1347 and 2.

COUNT 13: MISPRISON OF A FELONY
Title 18, United States Code, Section 4

FORFEITURE NOTICE
(13 COUNTS)

A true bill rendered:
Amarillo



Foreperson

Filed in open court this 23rd day of February, A.D. 2017.

Clerk

SUMMONS TO ISSUE AS TO EACH DEFENDANT


UNITED STATES MAGISTRATE JUDGE